

IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Civil Writ Petition No. 1492 of 2006 (S/S)

Mohan Lal Arya
S/o Sri Bachan Lal Arya,
Presently posted as Bhulekh lipik –IIInd,
Zila Karyalaya, District Tehri Garhwal.

..... Petitioner

Versus

1. Commissioner, Garhwal Division, Pauri.
2. District Magistrate, Tehri Garhwal.
3. Sri Dharamveer Prakash
Presently posted as Registrar Kanungo,
Tehsil Jakhani Dhar, District Tehri Garhwal.
4. Meshasha Sah
Presently posted as Assistant Registrar Kanungo,
Tehsil Devprayag, District Tehri Garhwal.

..... Respondents

Mr. A.M. Saklani and Mr. A.B. Upadhyay, Advocates for the petitioner.
Mr. Harendra Belwal, learned Standing Counsel for the State.

Hon'ble Prafulla C. Pant, J.

Heard learned counsel for the petitioner and learned
Standing Counsel for the State.

2) By means of this writ petition, the petitioner has sought mandamus directing the respondent No. 2 to decide his representation dated 01.09.2006 (Annexure –6 to the writ petition) and to consider his seniority vis-a-vis respondent Nos. 3 and 4. It appears that the petitioner, who was a Patwari, has earlier filed Writ Petition No. 2533 (S/S) of 2000, wherein it was directed that the petitioner be given promotion against the vacant post. Order dated 1st August

2006 (Annexure –5 to the writ petition) shows that the petitioner has been promoted as Record Keeper –II in the pay scale of Rs. 3050 – 4590. However, the grievance of the petitioner remains that the allegedly junior persons namely Dharamveer Prakash (respondent No. 3) and Mahesh Sah (respondent No. 4) have further been promoted in the same chain by the District Magistrate, Tehri Garhwal. As such, the petitioner has filed this writ petition alleging that by the aforesaid order of 01.08.2006, his seniority has been ignored vis-a-vis respondent Nos. 3 and 4.

3) Learned counsel for the petitioner and learned Standing Counsel for the State agree that the writ petition may be disposed of summarily with the direction to respondent No. 2 to consider the representation dated 01.09.2006 (Annexure –6 to the writ petition) made by the petitioner, keeping in view the question of seniority and considering the representation vis-a-vis respondent Nos. 3 and 4, within a period of two months from the date certified copy of this Order is produced before said authority.

4) With the aforesaid direction, writ petition is disposed of, summarily. (Interim Relief Application No. 14516 of 2006 also stands disposed of).

(Prafulla C. Pant, J.)

Dt. : December 01, 2006
H. Negi